

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Possible Revision or Elimination of Rules	)	CB Docket No. BO 16-251
	)	

**COMMENTS ON FCC RULE SECTION 20.19(i)**

Union Telephone Company d/b/a Union Wireless (“Union Wireless”) submits these Comments in response to a Public Notice in the referenced proceeding released by the Federal Communications Commission’s Office of Communications Business Opportunities.<sup>1</sup> Comment is sought on rules adopted in calendar years 2001 - 2004 which have a significant economic impact on a substantial number of small entities. Union Wireless asks the FCC to amend or rescind reporting rules relating to hearing aid compatibility (“HAC”) of wireless handsets,<sup>2</sup> pursuant to the Regulatory Flexibility Act, *see* 5 U.S.C. section 610.

Union Wireless supports the Commission’s efforts to ensure availability to consumers of a selection of hearing aid compatible (“HAC”) handsets. However, HAC reporting rules have become burdensome and distract from productivity, particularly for small wireless service providers. Cost of compliance outweighs the benefit of the FCC’s required HAC reports.

As a provider of wireless and broadband service in rural and mountainous areas of Wyoming, Colorado, Utah, Montana, Nebraska, Idaho and South Dakota, Union Wireless

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<sup>1</sup> *Public Notice*, DA 16-792, released December 28, 2017.

<sup>2</sup> 47 C.F.R. § 20.19(i).

maintains a high quality team of customer service representatives who help persons with hearing disabilities select and offer handsets appropriate for their needs. Inventory specialists carefully track HAC phones available on the market and ensure company compliance with FCC rules. Reporting HAC and non-HAC handset model and compliance information to the FCC year after year is counterproductive to serving individuals with hearing disabilities.

### **The Burdens of Hearing Aid Compatibility Reporting Outweigh the Benefits**

Beginning in 2003 the Commission established a schedule requiring manufacturers and wireless service providers to report on compliance efforts every six months from 2004 through 2006, and then annually in 2007 and 2008.<sup>3</sup> The reporting requirement has matured into FCC Form 655 - Hearing Aid Compatibility Status Reporting Form.

FCC Form 655 is estimated to take two and a half hours to complete.<sup>4</sup> The instructions alone are thirteen pages single-spaced plus a twenty-two page appendix. In practice, the Form 655 filing requires about ten hours, including communications among persons on the project, data verification, working through the tedious electronic filing format, inquiries to Universal Licensing Service Help staff, final review and submission. The ten Form 655 filing hours do not include year-round tracking and recording HAC model inventories and specifications in anticipation of the looming annual report.

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<sup>3</sup> See *Hearing Aid Compatibility Report and Order*, 18 FCC Rcd 16753, ¶ 89 (2003); *Erratum*, 18 FCC Rcd 18047 (2003); see also Wireless Telecommunications Bureau Announces Hearing Aid Compatibility Reporting Dates for Wireless Carriers and Manufacturers, WT Docket No. 01-309, *Public Notice*, 19 FCC Rcd 4097 (2004).

<sup>4</sup> See Instructions for Hearing Aid Compatibility Status Reporting Form (FCC Form 655), section VI - FCC Notice Required by the Paperwork Reduction Act of 1995, which states: We have estimated that each response to this collection of information will take, on average, two and a half (2.5) hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, enter the data in the Form 655 on-line template, and submit it electronically.

A. HAC Annual Status Report Form 655 should be eliminated.

HAC status report Form 655 is not necessary. As its purpose, form Instructions provide:

I. PURPOSE

The Federal Communications Commission (FCC) electronic Form 655 collects information on the **status of compliance** with the FCC's hearing aid compatibility requirements by digital commercial mobile radio service ("CMRS") providers and manufacturers of devices used in the delivery of these services. The use of electronic FCC Form 655 helps each filer ensure that its report ("Hearing Aid Compatibility Report") includes all of the required information in a consistent format, **facilitates filing subsequent reports**, and **facilitates the FCC's compilation of data** from the reports. The electronic form also provides the public with improved access to **review the filed status reports**. (*Emphasis added.*)

The stated purpose of Form 655 is to compile reports, review reports and facilitate more reports. Any need to check the status of Union Wireless' compliance is superfluous. Union Wireless complies with HAC rules. It respects FCC rules and adopts advances in the marketplace. Compliance is not ensured or enhanced by a status report.

The company's public website provides more HAC handset information pertinent to customers than is available on the company's Form 655.<sup>5</sup> Handset information is also available in FCC public records.<sup>6</sup> For years Union Wireless has offered the most advanced HAC handsets manufacturers can produce and deliver to small providers. Requiring Union Wireless and other providers to report each handset year after year does not advance the goal of delivering the newest and most sophisticated handsets to hearing impaired customers.

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<sup>5</sup> Union Wireless' handset models are detailed at <http://www.unionwireless.com/Phonesnew.aspx> and <http://www.unionwireless.com/pdf/UWHAC%202016-12.pdf>.

<sup>6</sup> Handset specifications are available on the website of the FCC's Office of Engineering and Technology (OET), <https://www.fcc.gov/oet/ea/fccid>, and in manufacturer's Form 655 annual reports, such as [http://wireless.fcc.gov/hac/index.htm?job=rpt\\_dm\\_c](http://wireless.fcc.gov/hac/index.htm?job=rpt_dm_c).

Union Wireless is bound to comply with HAC requirements with or without an annual status report. While serving as a reminder of obligations, the annual report does not affect compliance in a practical manner and should be eliminated. The Commission took such action in *2016 Privacy Order*, eliminating compliance recordkeeping and annual certification requirements to reduce burdens for all carriers, particularly small carriers.<sup>7</sup> As with privacy, carriers are likely to keep records of HAC compliance without specific reporting requirements. Promoting and making available to customers an assortment of HAC models and educational materials complies with HAC rules and provides transparency for customers.

B. FCC Form 655 could be replaced by a certification of compliance.

The questionable purpose of ensuring HAC compliance could be fulfilled with a simple certification. A separate certification for HAC compliance is not necessary because service providers and equipment manufacturers already are subject to section 255, 716, and 718 of the Communications Act of 1934, as amended (the Act),<sup>8</sup> obligating them to maintain records of efforts to implement accessibility requirements.<sup>9</sup> Constant maintenance of HAC handset inventories helps fulfill this requirement. Yet in addition to filing annual recordkeeping accessibility certifications in the “Recordkeeping Compliance Certification and Contact Information Registry” (RCCCI Registry)<sup>10</sup> small providers such as Union Wireless also must file

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<sup>7</sup> *Protecting the Privacy of Customers of Broadband and Other Telecommunications Services*, Report and Order, 31 FCC Rcd 13911 (2016), WC Docket No. 16-106, FCC 16-148, at Para. 234.

<sup>8</sup> 47 U.S.C. §§ 255, 617, 619; *see also* 47 CFR pt. 6, pt. 7, and pt. 14. These provisions govern requirements for telecommunications services and equipment, advanced communications services and equipment, and Internet browsers built into mobile phones to be accessible to people with disabilities.

<sup>9</sup> 47 U.S.C. § 618(a)(5)(A); *see also* 47 CFR §§ 14.30(b), 14.31(a).

<sup>10</sup> 47 U.S.C. § 618; *see also* 47 CFR §§ 14.30(b).

HAC reports detailing records of monthly inventories of accessible devices. The single RCCCI certification adequately confirms providers' compliance with HAC recordkeeping practices. Compliance records are maintained; they need not be submitted to the FCC on Form 655.

C. FCC Form 655 could be simplified.

The excessively complex electronic Form 655 requires irrelevant detail that duplicates data the OET has approved, manufacturers have reported and carriers have published in stores and on websites. If kept, the form should be streamlined and simplified:

- Open the Form 655 filing window sooner than December 15<sup>th</sup> and past January 15<sup>th</sup>.  
This is the busiest season in retail stores, where inventory managers' hands are full working with personnel and customers. Form 655 should be accessible online all year to avoid the online crash over the year-end holiday season.
- Permit filers to attach a list of handsets rather than tediously insert detailed specifications in multiple steps on slow loading pages of the electronic form.
- Require the listing of no more HAC handsets than are necessary to demonstrate compliance with FCC rule quotas. Eliminate the listing of non-compliant handsets unless needed to demonstrate a ratio compliance with FCC rule quotas.
- Offer a pre-fill for the HAC rating of the handset based upon FCC Identifier number. Single entry of each and every handset's make, model, HAC ratings, air interfaces, frequencies and other capabilities begs for mistakes. Time, effort, money and anxiety are wasted over unnecessary assortment of data to avoid noncompliance.
- Eliminate the requirement that each carrier list all the capabilities of every handset (frequencies, air interfaces) even if the carrier does not use all the capabilities. This information is already reported to the FCC by the handset makers. Small carriers have

- faced inquiry from the Enforcement Bureau for reporting inadequate data for irrelevant air interfaces not operated by the carriers, expending weeks of costly investigation until the matter proves inconsequential.
- Do not require reporting of the exact rating of compliant handsets. Whether a handset is M3 versus M4, or T3 versus T4, does not determine HAC compliance.
  - To lessen work and avoid errors, have Form 655 provide in alphabetical and numerical order pre-fill options for newer (not just older) handset models.
  - Upon presentation of an error message that a typed-in “other” model name is on the pre-fill list, direct the filer to where that name appears on the list.
  - Upon presentation of an error message that the FCC Identifier number does not match the manufacturer’s model, offer a pre-fill for the correct FCC Identifier number.
  - FCC equipment authorization data is already a matter of Commission record. Spare each carrier from having to navigate the OET website or manufacturer’s annual reports to discern which of multiple records prevails in identifying capabilities and HAC ratings. Particularly for small carriers who search for older handset records, slogging through the OET website and years of manufacturers’ records is tiresome, confusing and fraught with chance for error that can propel the filer into an encounter with the Enforcement Bureau.
  - Empower the Universal Licensing System to move at reasonable speeds during peak filing times. When working against the HAC filing deadline it can take thirty seconds to turn a page in the ULS, and Form 655 requires excessive page turning.
  - To ease corrections to Form 655, provide a search function for reported handsets.

- Improve Form 655 to accept textual responses with more characters, such as apostrophes, quotes, parentheses and slashes. The form requires carriers' website address, but does not accept the characters in some addresses.
- Permit commonly owned or controlled service providers that offer identical handset inventory throughout the calendar year to file a single report. As it is, hours and hours are spent on exact replica submissions for affiliated service providers.

These changes would alleviate small carrier reporting burdens of FCC Rule § 20.19(i).

### **Conclusion**

The Commission should reconsider the usefulness and efficiency of the annual hearing aid compatibility report Form 655. Elimination or simplification would free up valuable time and resources to productively promote the accessibility of hearing aid compatible devices to the hearing impaired community.

Respectfully submitted,

UNION TELEPHONE COMPANY  
D/B/A/ UNION WIRELESS



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